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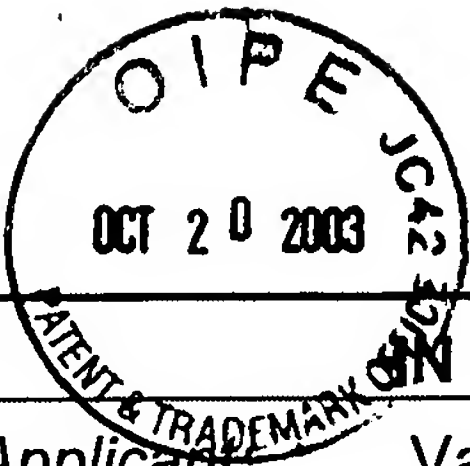
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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

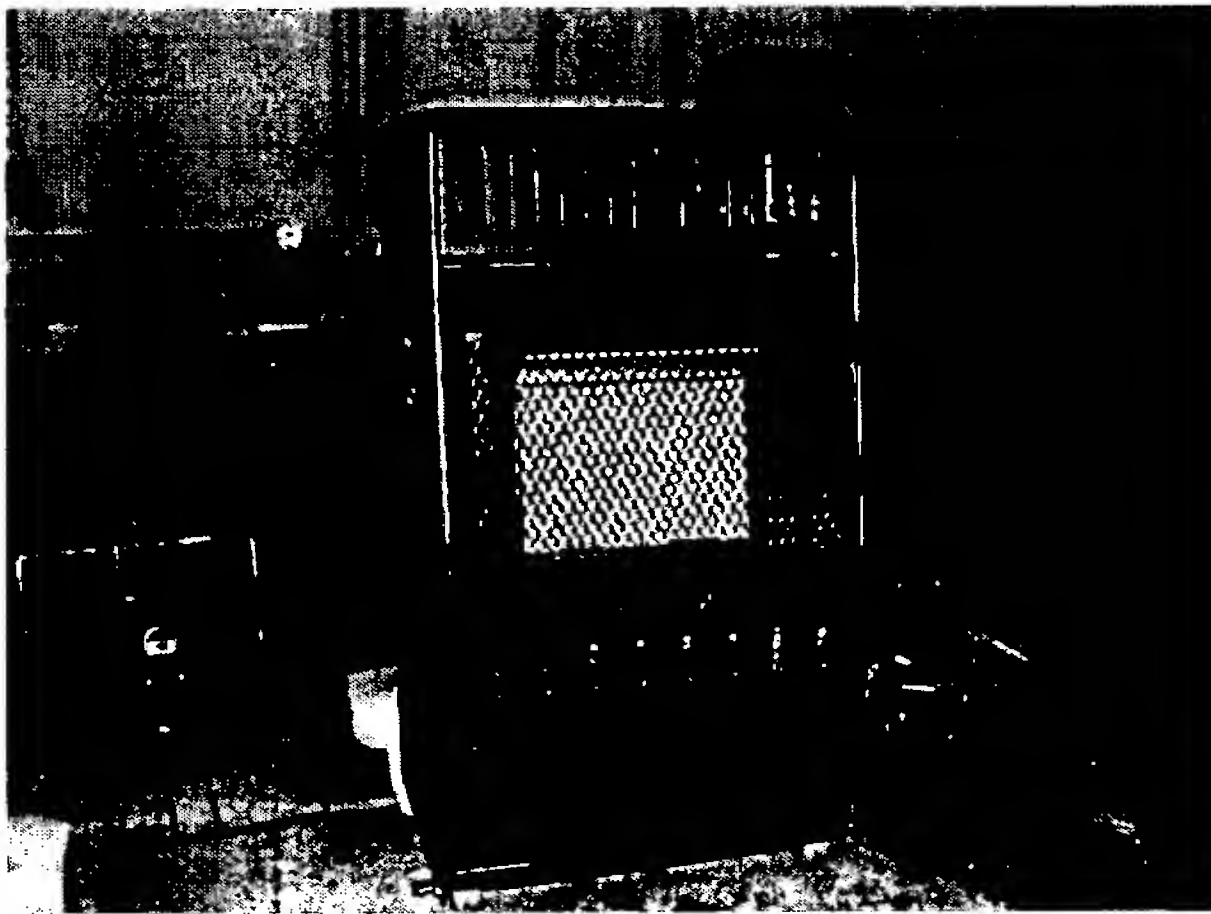
<i>Applicant:</i>	Vandrak et al.	<i>Examiner:</i>	Unknown
<i>Serial #:</i>	10/605,486	<i>Art Unit:</i>	Unknown
<i>Filing Date:</i>	10/02/2003	<i>Date:</i>	10/18/2003
<i>Title:</i>	Gas-Fired Portable Unvented Infrared Heater		

Commissioner of Patent and Trademarks
Washington, D.C. 20231

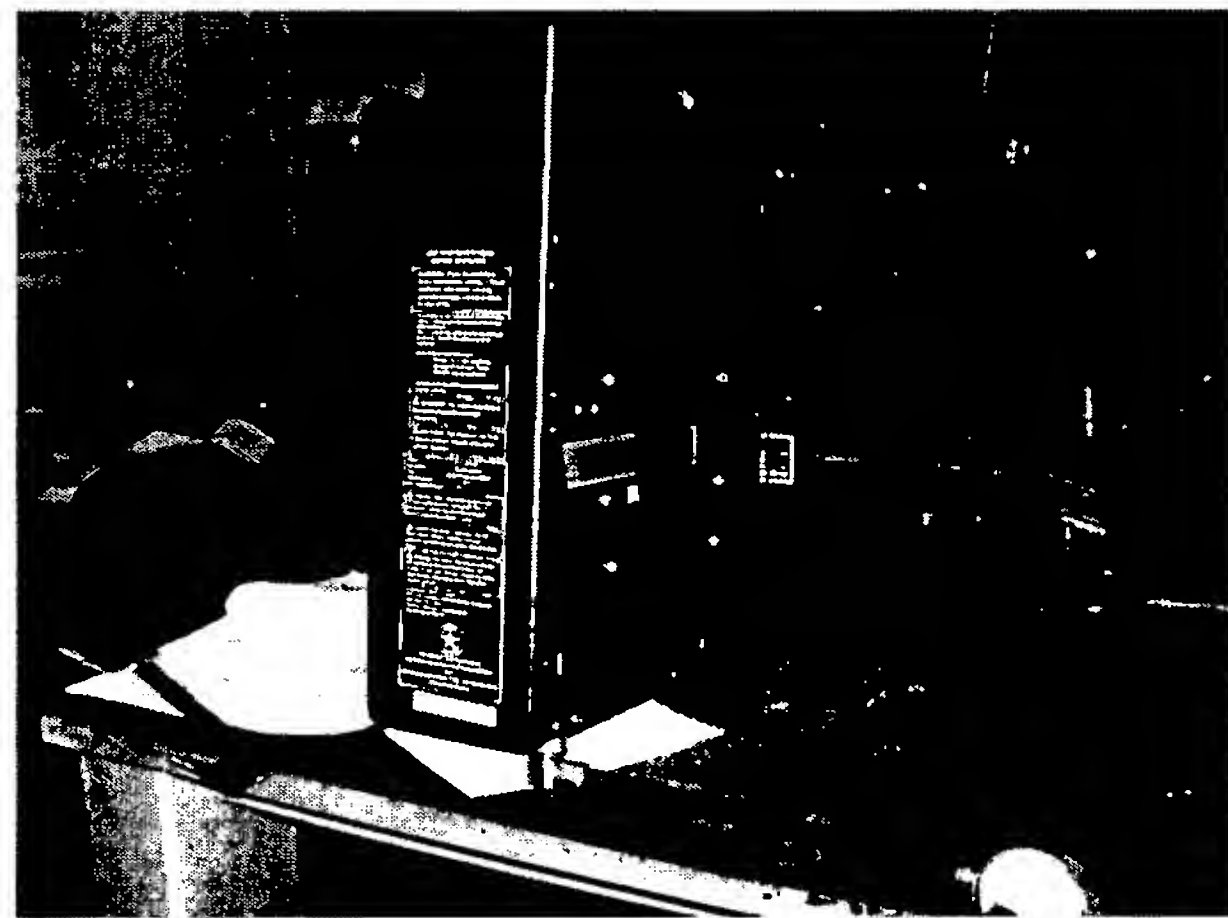
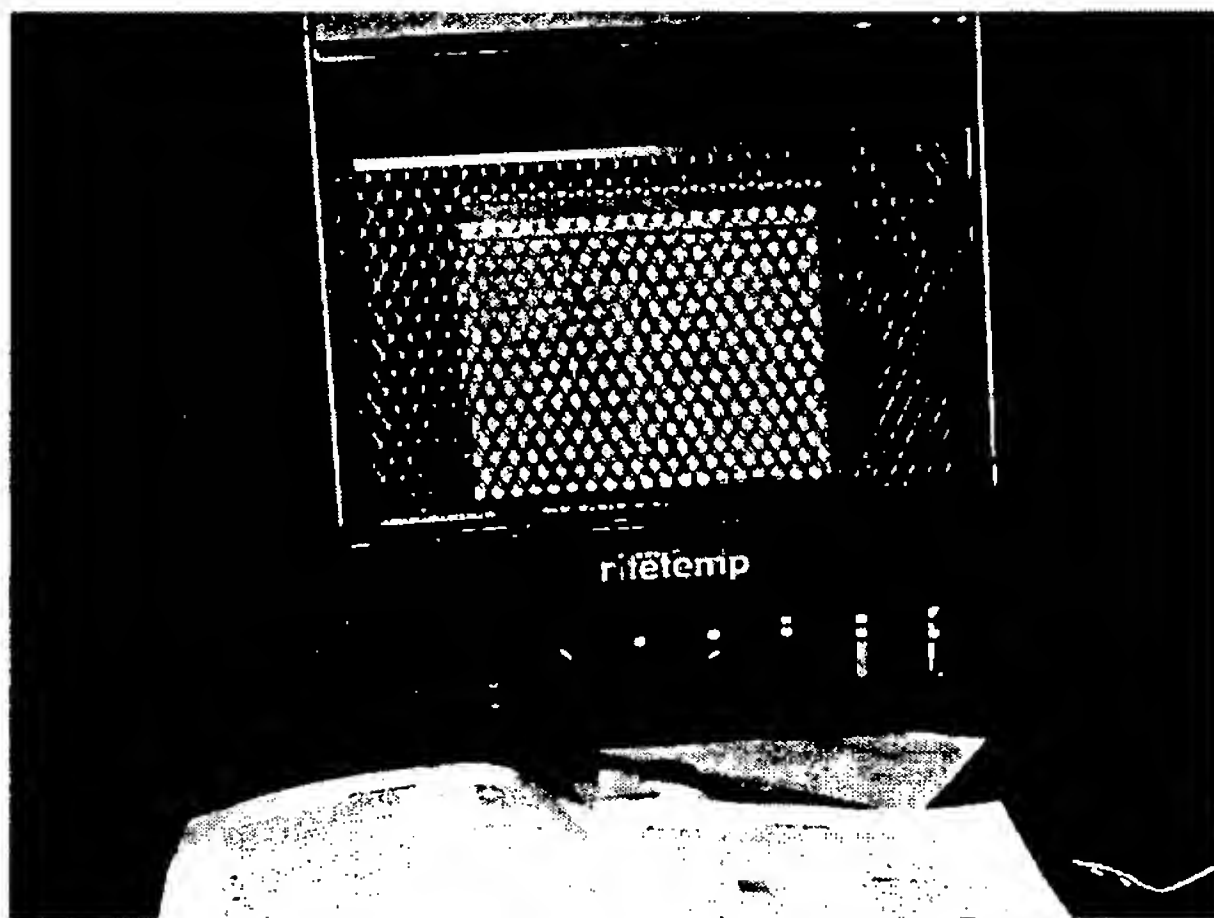
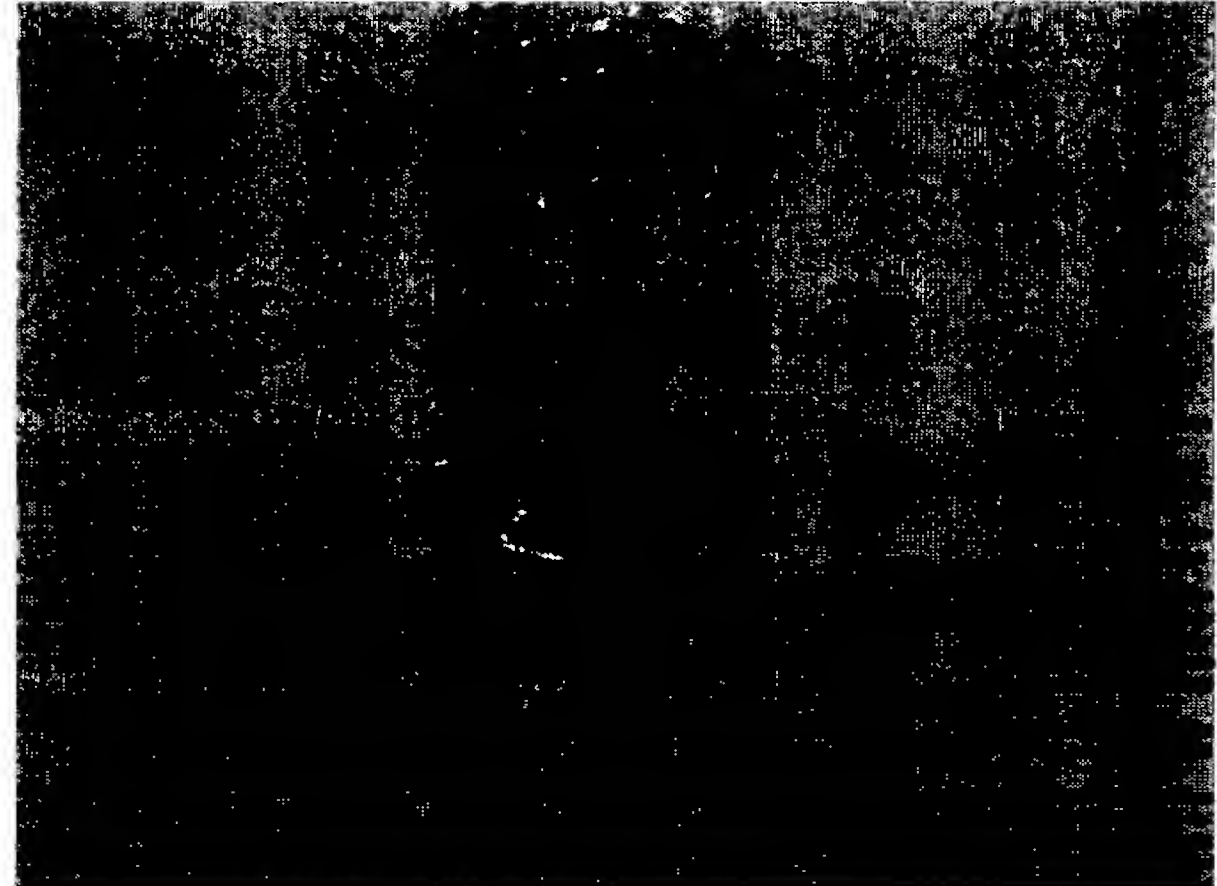
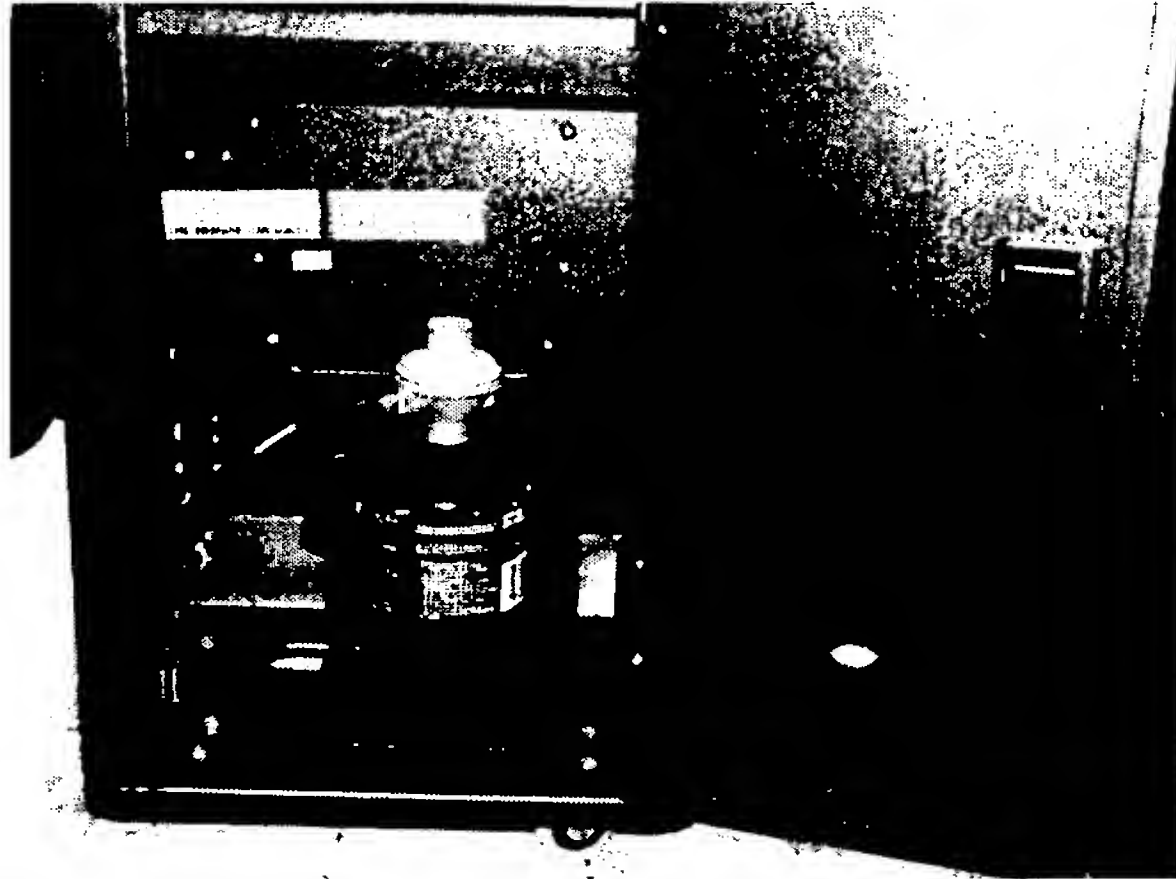
Declaration of Facts in Support of Petition to Make Special

I, *John DuRoss*, am an inventor of the above identified invention and President/Chief Operating Officer of Mr. Heater, Inc., hereby declare the following in accordance with MPEP §708.02:

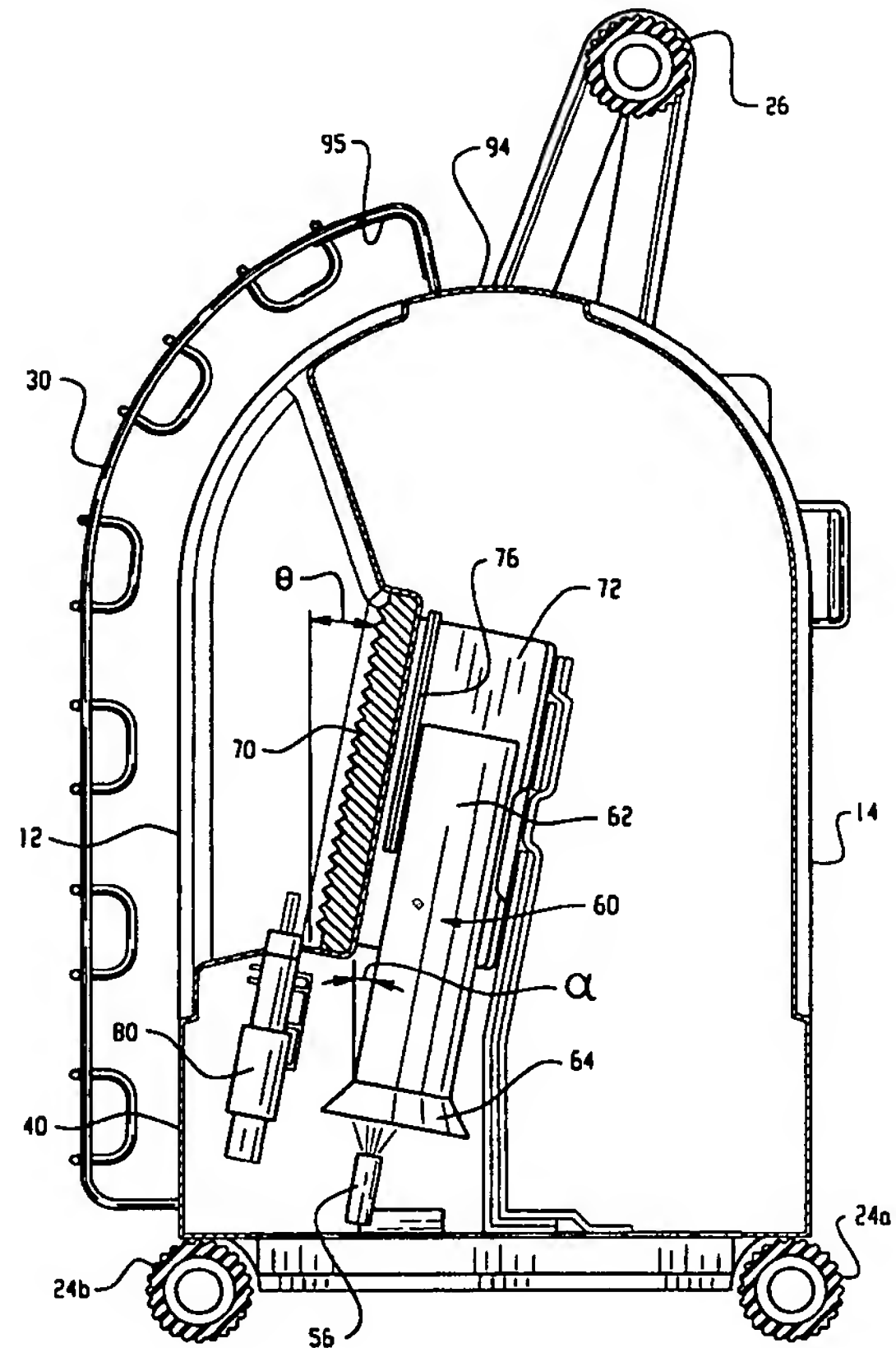
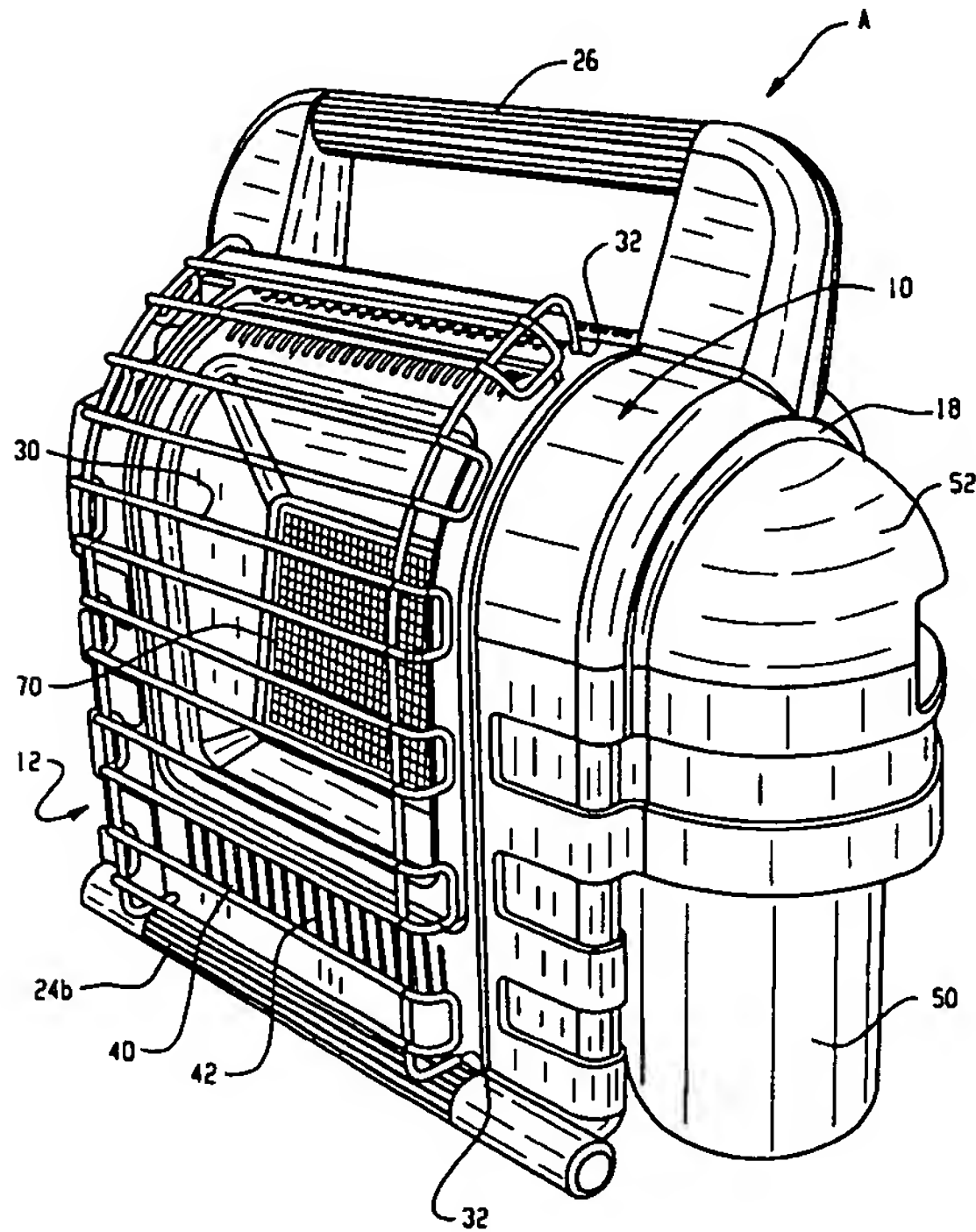
1. *That* I purchased a RiteTemp portable indoor/outdoor infrared plaque gas-fired heater at The Home Depot on October 11, 2003 as shown below.



2. That I disassembled the portable heater and reviewed the Owner's operation and installation manual which accompanied the heater in the box and determined that the heater used a one pound propane cylinder fuel source and utilized an oxygen depletion switch.



3. That to the best of my understanding, it was essentially an exact duplicate of the product that is shown in the Figures of my pending patent application or substantially an equivalent thereof.



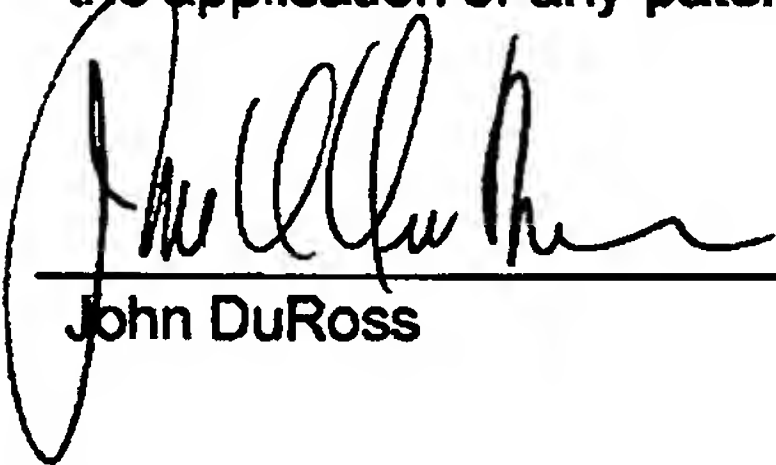
4. That I have provided the same product to my patent attorney at Buckingham, Doolittle & Burroughs, LLP to review.

Buckingham, Doolittle & Burroughs
Louis F. Wagner, Esq.

S/N: 10/605,486
October 16, 2003

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



John DuRoss

10/16/03

Date

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